

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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WILLIAM FRANKLIN
DOBROVOLNY,

Plaintiff,

v.

C.K. PLILER, Warden, et al.,
Defendants.

NO. CIV. S-03-2244 FCD GGH P

ORDER DENYING REQUEST FOR
RECONSIDERATION

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The court has reviewed defendants' request for reconsideration by the district judge of the magistrate judge's May 17, 2007 order denying defendants' motion to modify the pretrial order to dispute certain facts previously agreed to by the parties as undisputed, and HEREBY summarily DENIES the request as there are no grounds to find the magistrate judge's decision "clearly erroneous or contrary to law."¹ E.D. Cal. L.R. 72-303(f). As aptly stated by the magistrate judge, defendants'


¹ In light of the June 26, 2007 trial date, the court did not await a response from plaintiff before issuing this order.

1 motion to modify the pretrial order was "patently untimely." By
2 defendants' counsel's own admissions, she was aware of the
3 purported basis to seek modification as of November 2006, at the
4 latest. Yet, counsel did not move for relief until May 10, 2007,
5 just six weeks prior to the start of trial. Contrary to
6 defendants' protestations, a grant of relief in *their* favor would
7 be manifestly unjust under these circumstances, particularly
8 considering that plaintiff, an inmate proceeding pro se, has
9 properly relied on the subject undisputed facts since March 31,
10 2006, the date the pretrial order issued. As such, the court
11 DENIES defendants' request for reconsideration.

12 IT IS SO ORDERED.

13 DATED: June 5, 2007

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FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

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